

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HONEYWELL INTERNATIONAL INC.,

Plaintiff,

-v-

ECOER INC. *and* INVERTERCOOL INC.,

Defendants.

24 Civ. 1464 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has carefully reviewed the application by plaintiff Honeywell International Inc. (“Honeywell”) for leave to file a motion for terminating sanctions before the close of fact discovery, Dkts. 62, 64, and the response by defendants Ecoer Inc. and InverterCool Inc. (collectively, “Ecoer”), Dkt. 66. The Court thanks counsel for these thoughtful submissions.

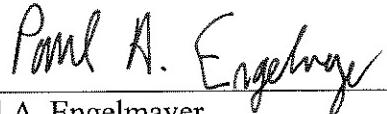
The Court’s considered judgment is that the most sensible course is (1) to permit fact discovery to be completed before receiving briefing on Honeywell’s contemplated motion for terminating sanctions, as such will help assure a more reliable outcome on the sanctions motion; and (2) given the capacity of the sanctions motion to moot this litigation, to defer summary judgment briefing until the motion for terminating sanctions has been resolved.

Fact discovery is due to be completed one month from today, on February 24, 2025. *See* Dkt. 61 at 2. The Court therefore sets the following briefing schedule on the sanctions motion:

- March 10, 2025: deadline for Honeywell’s memorandum of law in support of its motion for sanctions.
- March 24, 2025: deadline for Ecoer’s opposition.
- March 31, 2025: deadline for Honeywell’s reply, if any.

The Court's preliminary assessment is that the contemplated motion for terminating sanctions appears to present a substantial question. The Court therefore will be open to an application, in the interest of further potential economy, to suspend expert discovery from February 24, 2025 through the resolution of the sanctions motion. Under the original case management schedule, the Court had given the parties two months after the close of fact discovery to complete expert discovery. *See* Dkts. 38, 44. The parties have indicated that expert discovery is not likely germane to potential summary judgment motions. *See* Dkts. 37, 42. Deferring expert discovery until the resolution of the sanctions motion would therefore not appear likely to delay the forward progress of this case. In the event that expert discovery were suspended and the sanctions motion thereafter denied, the Court would expect to give the parties two months from the denial to complete expert discovery. The Court expects counsel to meet and confer before either makes any such application.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: January 24, 2025
New York, New York